IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVI**L APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.880 OF 2005
WITH
C.A.NO.1033/2005

Bhimsingh Guman Singh Parmar .. Appellant.

Versus

Municipal Corpo**ration of** .. Respondents.
Gr. Bombay

Mr.V.Y. Sanglikar with Mr. Ajit J. Shobhawat for appellant.
Ms Geeta Jogalekar for respondent no.1.
Mr.M.V. Holmagi for respondent No.2.

CORAM: V.M.KANADE,J

DATE : 24th October 2005.

P.C.

1. Heard learned counsel for appellant as well as Corporation. Appellant is the original plaintiff who is challenging the order passed by the trial court refusing to grant ad interim relief in the Notice of Motion which is taken out by the appellant-plaintiff.

2. The case of appellant in the trial court is that the appellant filed the suit in City Civil Court challenging the Notice which was issued by the

Corporation under Section 351 of Bombay Municipal Corporation Act. Assistant Commissioner H/West Ward in his order dated 19.8.2005 has observed that the notice structure is assessed to Municipal taxes from 1.4.1976. In my view if the structure, according to the Corporation was in existence from 1.4.1976, the appellant/plaintiff has a right to agitate his claim and challenge the notice. Prima facie case is, therefore, made out. Ad interim relief is therefore, granted in terms of prayer clause (b) of the Motion.

3. Appeal from Order is allowed in above terms.

4. Hearing of motion be expedited.

(V.M.KANADE,J)